



Arizona Department of Administration, Procurement Compliance, Administration & Policy Office Publication

PCAP Technical Bulletin
No. 016 Revision No. 1

Procuring Electronic and Information Technology in accordance with Section 508 of the Rehabilitation Act of 1973

I. Statement:

This Technical bulletin is issued to update and revise AZSPO policy No. 016 "Procuring Electronic and Information Technology in accordance with Section 508 of the Rehabilitation Act of 1973".

II. Authority:

- 29 United States Code Section 794d Rehabilitation Act of 1973, Section 508
- A.R.S. § 41-3531 Definitions
- A.R.S. § 41-3532 (A) Alternative methods of access to electronic or information
technology; complaint procedure; rules; and Alternative
Access to Electronic or Information Technology, August 2004.

III. Alternate document/publication resources:

- The Arizona Legislative Information Service (A.L.I.S.) www.azleg.gov
- Information resource web-site on Section 508; www.section508.gov

IV. Definitions:

1. Alternate formats: Alternate formats are means of communication usable by people with disabilities and may include such modalities as Braille, ASCII text, large print, recorded audio and electronic formats that comply with this policy.
2. Alternate methods: Varying means of providing information, including product documentation, to people with disabilities. Alternate methods may include, but are not limited to, voice, fax, relay service, TTY, Internet posting, captioning, text-to-speech synthesis, and audio description.

3. Assistive technology: Any item, piece of equipment, or system, whether acquired commercially, modified, or customized, that is commonly used to increase, maintain, or improve functional capabilities of individuals with disabilities.
4. Electronic and Information Technology. Includes information technology and any equipment or interconnected system or subsystem of equipment used in the creation, conversion, or duplication of data or information. The term electronic and information technology includes, but is not limited to, telecommunications products (such as telephones), information kiosks and transaction machines, World Wide Web sites, multimedia, and office equipment such as copiers and fax machines. The term does not include equipment that contains embedded information technology used as an integral part of the product, the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. For example, HVAC (heating, ventilation, and air conditioning) equipment such as thermostats or temperature control devices, and medical equipment where information technology is integral to its operation, are not information technology.
5. Information Technology: Any equipment or interconnected system or subsystem of equipment, used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. The term information technology includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.
6. State Agency: For the purposes of this publication, State Agency means any department, commission, council, board, bureau, committee, institution, agency, government corporation or other establishment or official of the executive branch or corporation commission of the State subject to the provisions of the Arizona Procurement Code. (a.k.a. State Budget Unit or State Governmental Unit).
7. Undue Burden. A significant difficulty or expense.

V. Overview:

By A.R.S. § 41-3532(A) State budget units shall procure electronic and information technology that provides comparable access to individuals with disabilities in accordance with Section 508 of the Rehabilitation Act of 1973 unless an undue burden is imposed on the budget unit.

VI. Policy:

Unless an exception of Undue Burden applies, all State contracts shall be in compliance with A.R.S. §41-3531 and A.R. S. §41-3532.

- 1 State Agencies shall prepare procurement specifications for electronic and information technology that comply with Section 508 of the Rehabilitation Act of 1973. Information on Section 508 is available via the Internet at <http://www.section508.gov>.

2 When acquiring electronic and information technology, State Agencies shall ensure that:

2.1 State employees with disabilities shall have access to and use of information and data that is comparable to the access and use by State employees who are not individuals with disabilities, and

2.2 Members of the public with disabilities seeking information or services from an agency shall have access to and use of information and data that is comparable to the access and use by members of the public who are not individuals with disabilities.

3 State Agencies shall include the following provisions in all solicitations and contracts:

3.1 Special Instructions to Offerors Section:

Any electronic or information technology offered to the State of Arizona under this solicitation shall comply with A.R.S. § 41-2531 and § 41- 2532 and Section 508 of the Rehabilitation Act of 1973, which requires that employees and members of the public shall have access to and use of information technology that is comparable to the access and use by employees and members of the public who are not individuals with disabilities. If the offeror believes that compliance with this requirement poses an Undue Burden, the offeror shall notify the procurement officer in writing at least five days before the offer due date and time.

3.2 Special Instructions to Offerors Section:

Unless specifically authorized in the Contract, any electronic or information technology offered to the State of Arizona under this contract shall comply with A.R.S. § 41-2531 and § 41-2532 and Section 508 of the Rehabilitation Act of 1973, which requires that employees and members of the public shall have access to and use of information technology that is comparable to the access and use by employees and members of the public who are not individuals with disabilities.

4 An exception determination of undue burden shall be made in writing and placed in the procurement file, prior to contract award. The determination shall describe the specific standard which cannot be met, the difficulty or expense in meeting the standard and the alternatives considered.

John O. Adler, CPO



State Procurement Administrator

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